

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TYLER COHEN and LIORA COHEN,

Plaintiffs,

Case No: 3:22-cv-12 (GLS/ML)

-against-

JURY TRIAL DEMANDED

OORAH INC. and THE ZONE CAMP (BOYS),

Defendants,

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, OORAH INC d/b/a The Zone Camp (hereinafter “OORAH”), by the undersigned counsel, hereby removes to this Court the above captioned action, which was pending against it in the Supreme Court of the State of New York, County of Delaware. Removal is based on the following grounds:

1. On or about October 25, 2021, Plaintiffs, TYLER COHEN and LIORA COHEN, commenced a civil action against OORAH in the Supreme Court of the State of New York, County of Delaware, docketed as Index No. EF2021-840 (hereinafter the “Lawsuit”).

2. On or about November 2, 2021, OORAH was served with a copy of the Summons and Verified Complaint in this Lawsuit via State of New York, Department of State, Division of Corporations. A true and accurate copy of the Summons, Verified Complaint and Affidavit of Service upon the Secretary of State is attached as **Exhibit A**.

3. This Notice of Removal is being filed by OORAH pursuant to 28 U.S.C. § 1446(2) more than thirty days after service of a copy of the Summons and Verified Complaint because the

pleadings do not specify the amount in controversy and a good faith effort has been made to verify the alleged injuries.

4. In this Lawsuit, Plaintiff asserts causes of action against OORAH based upon negligence.

5. The Lawsuit alleges that solely as a result of OORAH negligence, “within the premises of Defendant, OORAH INC d/b/a The Zone Camp, located at 123 Scotch Valley Road, Stamford, County of Delaware, State of New York, while Plaintiff was at the said premises, he was caused to be precipitated to the ground, thereby sustaining severe and serious personal injuries. (Verified Complaint at ¶ 24).

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 due to complete diversity among the parties’ citizenship and because the amount in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

Diversity Jurisdiction Exists

7. Plaintiff resides in the County of Delaware, and therefore is a citizen of the State of New York. (*See* Summons).

8. Defendant OORAH is a foreign business corporation and has its principal place of business in New Jersey. OORAH is not a citizen of the State of New York, nor do they have principal places of business in New York. No change in the place of incorporation or principal place of business of OORAH has occurred since the commencement of this Lawsuit.

Amount In Controversy Exceeds \$75,000

9. In the Complaint, Plaintiff seeks unspecified damages for personal injuries suffered at a OORAH store when “within the premises of Defendant, OORAH INC d/b/a The Zone Camp, located at 123 Scotch Valley Road, Stamford, County of Delaware, State of New York.

10. On November 15, 2021, Plaintiff's counsel was requested to stipulate that the recovery for damages would be capped at \$75,000 and that OORAH would forego their request for removal. Plaintiff's counsel advised via email on January 3, 2022, that Plaintiff would not so stipulate. The amount in controversy therefore exceeds.

11. This Lawsuit is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446. Furthermore, removal to this judicial district and division is proper pursuant to 28 U.S.C. § 1441(a) as this is the district and division embracing Delaware County, New York, where the Lawsuit is pending.

12. This Notice is accompanied by copies of all process, pleadings and orders served upon defendant in this action.

13. Promptly after this filing, this Notice of Removal will be served on Plaintiff, and TARGET will file a copy of this Notice of Removal with the Clerk of Court for the Supreme Court for the State of New York, County of Delaware.

14. This Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendant, OORAH INC d/b/a The Zone Camp respectfully removes the Lawsuit to this Court.

Dated: New York, New York
January 5, 2022

By: *Alice Spitz*
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